

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DENNIS ZAMORA, HENRY NEZ, JR.,
HAROLD BROWN and VERNON YAZZIE,
on behalf of themselves and others similarly
situated,

Plaintiffs,

v.

1:15-cv-01041-RJ-LF

SOUTHWEST GLASS AND GLAZING, INC.
ANTHONY S. BACA, CAROL J. McCARTHY
and KIRA A. SOWANIC, et al.,

Defendants.

ORDER ON MOTION TO COMPEL

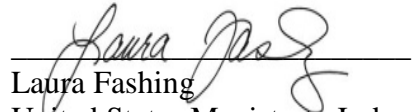
This matter is before the Court on plaintiffs' Notice and Motion to Compel Discovery Responses (Doc. 64). Defendants filed a response on September 12, 2016 (Doc. 66), and plaintiffs filed a reply on September 26, 2016 (Doc. 69). Having reviewed the filings and the applicable law, and for the reasons stated below, the Court hereby GRANTS plaintiffs' motion to compel.

Plaintiff asks the Court to compel defendants to respond to Interrogatories 24 and 25 of their second set of interrogatories. Doc. 64 at 1. Defendants objected to answering parts of Interrogatory 23, as well as Interrogatories 24 and 25, on the ground that Interrogatory 23 was a "contention interrogatory," and thus equivalent to multiple interrogatories. Doc. 64-1 at 6. Defendants answered what they construed as the first three subparts of Interrogatory 23, and objected to the rest of Interrogatory 23, as well as Interrogatories 24 and 25, because they exceeded the 25 interrogatories allowed under the scheduling order. *Id.*

Plaintiffs claim that defendants' arguments with respect to Interrogatory 23 are "mooted and irrelevant as Plaintiffs were no longer seeking responses to Request No. 23 throughout their meet and confer efforts as stated in their Motion." Doc. 69 at 2. Plaintiffs essentially assert that they withdrew Interrogatory 23. *Id.*

The Court finds that plaintiffs made a good faith effort to clarify, and then withdraw, Interrogatory 23. The remaining two interrogatories therefore fall within the limit of 25 total interrogatories. The Court strikes Interrogatory 23, and orders defendants to answer Interrogatory 24 and Interrogatory 25 within fourteen days of the date of this order. Plaintiffs' request for sanctions is denied.

IT IS SO ORDERED.



Laura Fashing
United States Magistrate Judge